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13 TRADING, LLC, GUY KOREN, POTATO
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15 GROUP, LLC, J & K AMERICANA, LLC, J&K
16 LAKEWOOD, LLC, J&K VALLEY FAIR, LLC,
17 J & K ONTARIO, LLC, J&K PC TRUCKS, LLC,
18 and GK CAPITAL GROUP, LLC

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21
22 SHAKEY'S PIZZA ASIA VENTURES,
23 INC, a Philippines corporation,

24 Plaintiff,

25 vs.

26 PCJV USA, LLC, a Delaware limited
27 liability company; PCI TRADING, LLC, a
28 Delaware limited liability company; GUY
KOREN, an individual; and DOES 1 through
100, inclusive, PCJV USA, LLC, a Delaware
limited liability company; PCI TRADING,
LLC, a Delaware limited liability company;
GUY KOREN, an individual; Potato Corner
LA Group, LLC, a California limited liability
company; NKM CAPITAL GROUP, LLC, a
California limited liability company; J & K
AMERICANA, LLC, a California limited
liability company; J & K CULVER, LLC, a
California limited liability company; J&K
LAKEWOOD, LLC, a California limited
liability company; J&K OAKRIDGE, LLC, a
California limited liability company; J&K
VALLEY FAIR, LLC, a California limited
liability company; J & K CAPITAL 2, LLC,
a California limited liability company; J & K

29 Case No. 2:24-CV-04546-SB(AGRx)

30 *Hon. Stanley Blumenfeld, Jr.*

31 **EX PARTE APPLICATION TO**
32 **STRIKE OR CONTINUE**
33 **HEARING ON PLAINTIFF'S**
34 **MOTION FOR OSC RE:**
35 **CONTEMPT (DOC. NO. 87)**

36 Complaint Filed: May 31, 2024

37 Trial Date: August 4, 2025

1 ONTARIO, LLC, a California limited
2 liability company; J&K PC TRUCKS, LLC,
3 a California limited liability company; J&K
4 CONSULTANTS GROUP, LLC, a
5 California limited liability company; GK
6 CAPITAL GROUP, LLC, a California
7 limited liability company; and DOES 1
8 through 100, inclusive,

9
10 Defendants.

EX PARTE APPLICATION

Defendants PCJV USA LLC (“PCJV”) and Guy Koren (“Koren”) (collectively, “Defendants”) hereby apply *ex parte* to strike or continue the hearing on Plaintiff Shakey’s Pizza Asia Ventures, Inc.’s Motion for an Order to Show Cause Re: Civil Contempt (the “Motion,” Doc. No. 87).

On December 4, 2024, the Court noted in its Order: “The Court continues to urge the parties to work towards cooperation. In the event contempt sanctions become necessary, Plaintiff may file a properly noticed motion after thoroughly meet and conferring with Defendants.” Doc. No. 80 at p. 3 of 3; Declaration of Arash Beral (“Beral Decl.”), ¶ 3. Despite this instruction, Plaintiff’s counsel refused to meet and confer in good faith, let alone “thoroughly.” Beral Decl., ¶¶ 2-7. They simply took the position that Defendants were always in contempt and that Plaintiff would be filing a motion no matter what; they were never interested in the status of the changing names or anything of that nature. Beral Decl., ¶ 7. When Defendants tried to reason with Plaintiff’s counsel and explained that the Court has (a) given guidance about Defendants making diligent efforts at changing names, Doc. No. 64 at pp. 2-3, and (b) required the parties to “thoroughly meet and confer,” Doc. No. 80 at p. 3 of 3, none of which it would have done had the Court believed that Defendants were in contempt as soon as the Preliminary Injunction Order was issued, Plaintiff’s counsel did not care. They urged that their client wants the motion filed and their client doesn’t understand how things work in the United States. *Id.*

Plaintiff's counsel also misled Defendants causing Defendants to file their motion to dismiss on December 20 with a January 24, 2025 hearing date all the while Plaintiff's counsel decided to hold their Motion for at least 10 days to file it on December 26, 2024, until they were almost assured that Defendants' counsel and Defendants were unavailable to address the Motion timely and meaningfully, and to force Defendants' counsel into the unpleasant circumstance of having to file this Application to ask the Court for relief. Beral Decl., ¶¶ 8-12.

1 This Court has the inherent power to strike, continue hearing dates, or
2 otherwise set briefing schedules in accordance with scheduling issues. There is
3 immediate and good cause for the requested relief because Plaintiff has not met and
4 conferred in good faith despite being directed to do so before filing its Motion and
5 Defendants and their counsel are unavailable to address and oppose the Motion in
6 such a short timeframe, especially over the holidays given vacation and travel
7 schedules. Defendants have not previously asked for multiple extension requests
8 and have acted diligently in this case. Beral Decl., ¶ 13.

Defendants respectfully requests the Motion be stricken in its entirety as being premature and violative of the Court's directives for the parties to thoroughly meet and confer. In the alternative, Defendants respectfully request the hearing on the Motion be continued for two weeks to February 7 so that their opposition deadline falls on January 17 (and otherwise does not conflict with their January 10 deadline to file a reply in support of their motion to dismiss).

In accordance with Local Rule 7-19, Defendants' counsel provided written notice of the date and substance of this Application to Plaintiff's counsel, Michael Murphy and Kenneth Hsu, Ervin Cohen & Jessup LLP, 9401 Wilshire Boulevard, 12th Floor, Beverly Hills, CA 90212-2974, (310) 281-6367, mmurphy@ecjlaw.com, khsu@ecjlaw.com, and informed them that opposing papers are to be filed no later than 48 hours following service or by 3:00 p.m. on the first court day after service, whichever is later. Beral Decl., ¶ 14.

DATED: December 26, 2024 **BLANK ROME LLP**

By: /s/ Arash Beral

Todd M. Malynn

Arash Beral

Victor Sandoval
S. E. S. 1

Attorneys for Defendants PCJV USA, LLC and
GUY KOREN

CERTIFICATE OF SERVICE

The undersigned certifies that on December 26, 2024, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Central District of California, using the Court's Electronic Case Filing (ECF) system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.
Executed on December 26, 2024.

By: /s/Ann Grosso